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001/009

OCT 19 2006

BEFORE THE UNITED STATES PATENT OFFICE

Inventors: 1) Stephen Fitzgerald
2) Frederick St. Laurent
3) Terrance William Sutherland

Serial No: 10/672,060

Filed: September 29, 2003

Title: TUBULAR BASEBALL BATS WITH VARIABLE STIFFENED
BARRELS

Art Unit: 3711

Our File: CECOM-04.US (2043-3-04-10)

October 19, 2006
By Fax only: (571) 273-8300

The Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Certificate of Facsimile Transmission

I, the undersigned Registered Patent Attorney, hereby certify that the documents delivered herewith are being transmitted by telephone facsimile to the United States Patent and Trademark Office on the above date.

The document being transmitted is as follows:

1. Cover letter re IDS (3 pages), and
2. Information Disclosure Statement (1 Page).

Respectfully submitted,

Per: 

David J. French
Reg. No. 31,229

— such documents have been transmitted in accordance with the particulars on the attached telefax confirmation sheet.

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Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA
U.S.A. 22313-1450

Dear Sir:

Information Disclosure Statement - 37 CFR 1.97(d)

Attached hereto is an Information Disclosure Statement filed under 37 CFR 1.98 setting out further documents that may be considered by the Examiner to be of relevance.

No item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonably inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of the Information Disclosure Statement.

Please deduct the fee of \$180. (US) in accordance with 37 CFR 1.17(p) from our Deposit Account 50-3035. Any further fee payments to cover a deficiency is to be deducted from this Deposit Account.

10/20/2006 MBINAS 00000021 503035 10672060
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In accordance with 37 CFR 1.97(g), the filing of these documents is not to be construed as meaning that a search has been made or that no other material relevant under 37 CFR 1.56(g) exists. Neither does this filing constitute an admission that these references are relevant "prior art" to the present invention, as per 37 CFR 1.97(h).

These references were recently located in a further search conducted by the applicant. They refer to the presence of a "sweet spot" in a cricket bat and tennis racket and one solid baseball bat. As these references do not relate to tubular baseball bats, much less to all-composite barrels, they are not believed to be relevant.

U.S. Patent No. 4,919,438 to Yoneeyama describes a tennis racket with a thickened frame/rim.

U.S. Patent No. 4,331,330 to Worst describes a solid baseball bat with a thickened diameter in the barrel portion. Reference to a hollow aluminum bat is made a column 5 line 20, but without any teaching as to the barrel wall thickness in the sweet spot area.

U.S. Patent No. 4,186,923 to Garner, et al. refers to a cricket bat with a central rib on the rear face bounded by two grooves. Reference is made at column 2, line 6 to a prior U.K. patent wherein a modification is made to a cricket bat to increase the effective size of the sweet spot of a cricket bat. The immediate U.S. patent addresses strengthening the prior design (column 3, lines 53-55).

GB Patent No. 1391120 to Wheeler, et al. describes the prior cricket bat wherein it is said that the sweet spot area is enlarged by forming a groove or depression along the rear face of the bat. The referenced increase in the area of the sweet spot may refer to the lateral width of the sweet spot in a cricket bat.

All of these references show a concern with addressing the size or performance of a sweet spot. The present applicant has recognized that the sweet spot in a tubular baseball bat, particularly a bat with an all-

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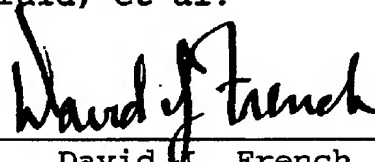
- 3 -

composite barrel, can be enhanced by the configurations addressed in the claims now pending. This recognition is further evidence of the inventive character of the invention addressed by the present application.

Respectfully submitted,

Fitzgerald, et al.

Per



David J. French
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PTO/SB/08&A (09-06)

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Complete if Known

<div>Substitute for form 1449/PTO</div> <div>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</div> <div>(Use as many sheets as necessary)</div>		<div>Complete if Known</div>		
		Application Number	10/672,060	
		Filing Date	September 29, 2003	
		First Named Inventor	Fitzgerald, et al.	
		Art Unit	3711	
		Examiner Name		
Sheet		of	Attorney Docket Number	CECOM-04.US (2043-3-04-10)

U. S. PATENT DOCUMENTS

[illegible]

FOREIGN PATENT DOCUMENTS

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	1 ⁶
		Country Code ² Number ⁴ Kind Code ³ (if known)	MM-DD-YYYY			
		GB 1391120	04-16-1975	Wheeler, et al.		

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.